

GEOHERMAL AND CABLE DEVELOPMENT PERMITTING ACT

William W. Paty
Chairperson

Board of Land and Natural Resources
State of Hawaii

ABSTRACT

The complexities associated with the development of geothermal resources and an overland and undersea cable system include the multitude of federal, state, and county land use, environmental, and other related laws that regulate all geothermal projects in the State.

The coordinated development of geothermal resources and a cable system, coupled with the substantial time necessary to undertake and complete such projects, requires that state and county agencies develop the means to coordinate and consolidate the diverse array of regulations.

As such, a consolidated permit application and review process for the development of the State's geothermal resources and the cable system was established by the Legislature.

BACKGROUND

The Board of Land and Natural Resources through its Department of Land and Natural Resources is mandated with much of the regulatory responsibilities related to the exploration and development of geothermal resources.

Some of the major programs under the jurisdiction of the Department include the following:

- * the permitting of land uses within statewide Conservation Districts established by the State Land Use Commission;
- * the designation and regulation of Geothermal Resource Subzones designated by the Board of Land and Natural Resources for the purpose of geothermal development activities;
- * the leasing and drilling of geothermal resources which may be conducted only within designated subzone areas;

- * the State's Historic Preservation Program which requires Historic Site Review to evaluate the effect of any proposed construction, alteration, or improvement of any nature on historic properties statewide.

ACT 301, SESSION LAWS OF HAWAII 1988

On June 13, 1988, Governor John Waihee signed into law Act 301, Session Laws of Hawaii 1988, entitled "Geothermal and Cable System Development Permitting Act of 1988". In addition, Legislative support was provided through the appropriation of funds to implement the Act. The Act provided that the Department of Land and Natural Resources perform all permitting functions for which it is currently responsible and which are transferred to it by this Act. Also, the Act mandated the Department to coordinate and consolidate all required permit reviews by other agencies, and to the fullest extent possible, by all federal agencies having jurisdiction over any aspect of geothermal and cable system development projects.

"Geothermal and cable system development project" or "project" is defined as the commercial development, construction, installation, financing, operation, maintenance, repair, and replacement, including without limitation all applicable exploratory, testing, and predevelopment activities related to the following:

- (1) a geothermal power plant or plants, including associated equipment, facilities, wells, and transmission lines, on the islands of Hawaii or Maui, for the purpose of generating electric energy for transmission primarily to the island of Oahu through the cable system;
- (2) an interisland deep water electrical transmission cable system, including all land-based transmission lines and other ancillary facilities, to transmit geothermally generated electric energy from the islands of Hawaii or Maui, to the island of Oahu or Maui, regardless of whether the cable system is used to

deliver electric energy to any intervening point.

The Act, now codified as Chapter 196D, Hawaii Revised Statutes, called for these actions to be undertaken: the establishment of an Interagency Group to perform liaison and assistance functions; the adoption of an interagency agreement designating members of a permit review team; and the identification of all applicable permits required for any project, including the regulatory responsibilities of each agency and the applicant. The joint interagency agreement would establish a timetable for regulatory review, the conduct of required hearings, and other actions relative to the permitting process.

Chapter 196D, HRS, also set forth the transfer of certain regulatory functions of the State Department of Transportation and Land Use Commission to the Department for purposes of geothermal resource and cable system development permitting. The statute also requires that the Department of Land and Natural Resources implement a process for the resolution of administrative and/or procedural conflicts between agencies; establish a program to monitor compliance of all permitted activities; and provide any streamlining mechanism that may assist agency and public review of permit applications.

PROGRAM DEVELOPMENTS

In fulfillment of the goals and mandates set forth in Act 301, SLH 1988, the Department of Land and Natural Resources initiated efforts to develop and implement a consolidated permit application and review process for geothermal resource and cable development projects. This application and review process requires that all appropriate county and state agencies take part in such proceedings and invites all federal agencies having jurisdiction over any aspect of the project to participate on a voluntary basis.

In order to implement and use other measures to carry out the permitting application process, a Permit Information and Coordination Center was established. As mandated by the Act, the Center serves to provide permitting assistance and regulatory informational services to potential applicants, in addition to serving as a library for all pertinent data.

During 1988, the Department of Land and Natural Resources began the task of preparing administrative rules to implement the provisions of Act 301, including the drafting of an Interagency Conflict Resolution Process. At the same time the Department convened an organizational meeting of agencies sharing regulatory jurisdiction over geothermal/cable

development projects.

This initial meeting resulted in the formation of the mandated Interagency Group on Geothermal/Cable Permitting, comprised of the following member agencies:

Federal

U.S. Army Corps of Engineers
Department of the Navy
(U.S. Pacific Fleet)
Department of Transportation
(U.S. Coast Guard)
U.S. Geological Survey
Environmental Protection Agency
U.S. Fish and Wildlife Service
National Marine Fisheries Service
National Park Service (Pacific)

State

Department of Land and Natural Resources
Department of Transportation
Office of State Planning
Department of Health
Office of Hawaiian Affairs
Department of Business and Economic Development

County

County of Hawaii
County of Maui
City & County of Honolulu

ADMINISTRATIVE RULES

In August 1989, the Board of Land and Natural Resources adopted administrative rules which were approved by the Governor and became effective September 5, 1989. The new rules are identified as Chapter 13-185, Hawaii Administrative Rules, and are entitled "Rules of Practice and Procedure for Geothermal and Cable System Development Permitting".

The administrative rules clarify the intent of the Act and establish guidelines and procedures for the consolidated geothermal and cable system development permitting. Some of the major provisions of the Act which are set forth in the rules are:

Application and review procedure. The Department of Land and Natural Resources is responsible for the development of a consolidated geothermal/cable development permit application form and for providing assistance to all potential applicants.

Upon receipt of a properly completed application, the Department shall notify all State and county agencies whose permitting functions are not transferred to the Department, as well as all applicable federal agencies having jurisdiction over

such projects. The statute provides that all state and county agencies so notified shall be required to participate in the consolidated permit application and review process.

The appropriate federal agencies shall be invited to participate in the consolidated review process; however, in the event that such agencies elect not to participate, the Department shall assist applicants in applying directly to these agencies. The Department shall coordinate the consolidated permitting process with that of the non-participating agencies.

Transfer of functions. For the purposes of geothermal and cable system development projects only, the functions of two state agencies have been transferred to the Department of Land and Natural Resources. They are:

- * the functions of the Land Use Commission related to district boundary amendments and changes in zoning;
- * permit approval and enforcement functions of the State Department of Transportation related to commercial activities in or affecting the ocean waters and shores of the State.

With regards to functions of the Land Use Commission transferred to the Department, if a geothermal and cable system development project is not successful or is terminated as determined by the Department, any resultant change in boundary or zoning made pursuant to the project shall revert to the original boundary or zoning in place before the change.

Implementation of a Consolidated Permit Application and Review Team. The Department of Land and Natural Resources also is charged with the task of heading a working team to be known as the Consolidated Permit Application and Review Team, which shall be selected from members of the Interagency Group. The Department and agencies comprising the review team shall cooperate with the appropriate federal agencies to minimize duplication and promote consolidation of federal and state requirements.

This consolidation shall include, but not be limited to, joint environmental impact statements with concurrent public review and processing at both levels of government. Where federal requirements are more comprehensive but not in conflict with state law, the Interagency Group shall cooperate in fulfilling those requirements so that the prescribed documents comply with all applicable laws.

Authorization of a Joint Agreement between participating agencies. Representatives of the state and county agencies participating on the consolidated application and review team are required to sign a joint agreement committing them to meet and perform certain tasks for each project application.

Such tasks include the following: providing a timetable for regulatory review; preparing an environmental impact statement; and consolidating the activities of applicants and agencies wherever possible, such as the scheduling and conduct of joint public hearings required for any permit. The joint agreement shall also establish a consolidated permit compliance monitoring program and schedule to take effect after a project is approved.

Federal agencies are invited to sign the joint agreement. Signing of the agreement and participating in the consolidated application process shall not affect or invalidate the jurisdiction or authority of any agency under existing law.

Conflict Resolution Process. In the event that administrative or procedural conflicts arise which the review team cannot resolve amongst themselves, a conflict resolution process shall be used. Should an administrative or procedural conflict between state agencies (as opposed to a conflict of authority) result in an impasse declaration by one agency, or if the applicant files for an impasse declaration due to insignificant progress of that party's application (and the administrative director of the state determines that an impasse should be declared), the involved agency heads shall submit to the administrative director a report detailing the events and problems related to the impasse, including a recommended solution to the conflict.

The director or his/her designee shall consult with the affected agencies within twenty days of the impasse declaration seeking resolution. Should the impasse still exist after such consultation, the administrative director shall submit a report and recommendation to the Governor for approval. Upon a decision by the Governor, the involved agencies shall have three days in which to initiate implementation of such final decision.

Similarly, in the event that an impasse declaration arises due to such conflicts between a state and county agency, the affected state and county agency heads shall submit a written report to both the state administrative director and the appropriate county agency designated by the mayor of that county.

As in the preceding example, these

reports shall list a chronology of events leading to the impasse, the perceived causes of the impasse, and a suggested solution. The administrative director and the head of the mayor's designated county agency, or their designees, shall meet with the respective state and county agency within twenty days from the impasse declaration date. Should the impasse still exist following the meeting, the administrative director shall render a decision which shall be implemented by the affected agencies within three days of its issuance.

CONCLUSION

Some of the major provisions of Act 301, SLH 1988, which were highlighted in the preceding discussion, demonstrate the intent of the legislative mandate and some of the mechanisms available to facilitate the application and review process for the diverse array of federal, state, and county permits related to geothermal and cable system developments.

The regulations established under this Act ensure that these commercial development projects are undertaken in a prudent and responsible manner consistent with land use, planning, environmental, and other public policies, and in a manner which coordinates the often repetitive laws, regulations, and controls placed upon such development activities.

REFERENCES

1. State of Hawaii, Geothermal and Cable System Development, Chapter 196D, Hawaii Revised Statutes, 1988.
2. State of Hawaii, Rules of Practice and Procedure for Geothermal and Cable System Development Permitting, Chapter 13-185, Hawaii Administrative Rules, 1989.

GEOTHERMAL/CABLE PERMITTING REGIMES

	PERMIT ALWAYS REQUIRED	GOVT LEVEL	AGENCY	PROCESSING TIME (MONTHS)		PUBLIC HEARING REQUIRED	CONTESTED CASE PROVISION APPLY	EIS
				MIN	MAX			
GEOTHERMAL								
GEOTHERMAL RESOURCE SUBZONE	Y	STATE	DLNR	6	12	Y	N	N
CONSERVATION DISTRICT USE PERMIT (CDUA)	Y	STATE	DLNR	6	6	Y	N	Y
GEOTHERMAL RESOURCE PERMIT	Y	COUNTY	PLNG	6	6	Y	N	Y
GEOTHERMAL MINING LEASE	Y	STATE	DLNR	7	12	?	?	N
GEOTHERMAL EXPLORATION PERMIT	Y	STATE	DLNR	2	2	N	N	N
GEOTHERMAL PLAN OF OPERATION	Y	STATE	DLNR	2	2	N	N	N
GEOTHERMAL WELL DRILLING PERMIT	Y	STATE	DLNR	2	2	N	N	N
AUTHORITY TO CONSTRUCT WELLS (AIR)	Y	STATE	DOH	3	6	?	?	N
PERMIT TO OPERATE WELLS (AIR)	Y	STATE	DOH	1	2	N	N	N
AUTHORITY TO CONST. POWER PLANT (AIR)	Y	STATE	DOH	3	6	?	?	N
PERMIT TO OPERATE POWER PLANT (AIR)	Y	STATE	DOH	1	2	N	N	N
UNDERGROUND INJECTION CONTROL	Y	STATE	DOH	3	6	?	?	N
VARIANCE FROM POLLUTION (WATER)	N	STATE	DOH	6	12	?	?	N
PREVENTION OF SIGNIFICANT DETERIORATION	Y	FEDERAL	EPA	12	18	Y	N	N
BUILDING PERMITS	Y	COUNTY	PW	1/2	1/2	N	N	N
TRANSMISSION — INLAND — HAWAII								
PUBLIC UTILITIES COMMISSION APPROVAL	Y	STATE	PUC	—	—	Y	Y	N
CONSERVATION DISTRICT USE PERMIT	N	STATE	DLNR	6	6	Y	Y	?
NATURAL AREA RESERVE SYSTEM	N	STATE	DLNR	6	9	?	N	N
HISTORIC SITES	N	STATE	DLNR	—	12	?	N	N
EASEMENT FOR STATE PARKS, FORESTS	N	STATE	DLNR	—	11	N	N	N
BUILDING PERMITS	Y	COUNTY	PW	1/2	12	N	N	N
LEASE PUBLIC LANDS								
TRANSMISSION — COASTAL ZONE — HAWAII								
COASTAL ZONE CONSISTENCY	Y	STATE	DBED	1 1/2	6	N	N	N
SPECIAL MANAGEMENT AREA PERMIT	Y	COUNTY	DLNG	4	?	Y	Y	Y
SHORELINE SETBACK VARIANCE	Y	COUNTY	DLNG	4	?	Y	Y	N
CDUA; LEASE PUBLIC LANDS								
TRANSMISSION — OCEAN — STATEWIDE								
U.S. ARMY CORPS OF ENGR. PERMIT	Y	FEDERAL	ARMY	2	?	Y	—	?
NATIONAL ENVIRONMENTAL PROT. ACT EIS	N	FEDERAL	CEQ	6	?	?	—	Y
OCEAN WATERS CONSTRUCTION PERMIT	Y	STATE	DOT	2	3	?	?	N
NPDES	N	STATE	DOH	—	6	N	N	N
LEASE SUBMERGED LANDS	Y	STATE	DLNR	—	12	Y	N	N
CDUA								
TRANSMISSION — COASTAL ZONE — MAUI								
COASTAL ZONE CONSISTENCY	Y	STATE	DBED	1 1/2	6	N	N	N
SPECIAL MANAGEMENT AREA PERMIT	Y	COUNTY	PLNG	4	?	Y	Y	Y
SHORELINE SETBACK VARIANCE	Y	COUNTY	PLNG	4	?	Y	Y	N
CDUA; LEASE PUBLIC LANDS								
TRANSMISSION — INLAND — MAUI								
PUBLIC UTILITIES COMMISSION APPROVAL	Y	STATE	PUC	—	—	Y	Y	N
CONSERVATION DISTRICT USE PERMIT	N	STATE	DLNR	6	6	Y	Y	?
NATURAL AREA RESERVE SYSTEM	N	STATE	DLNR	6	9	?	N	N
HISTORIC SITES	N	STATE	DLNR	—	12	?	N	N
EASEMENT FOR STATE PARKS, FORESTS	N	STATE	DLNR	—	11	N	N	N
BUILDING PERMITS	Y	COUNTY	PW	1/2	12	N	N	N
LEASE PUBLIC LANDS								
TRANSMISSION — COASTAL ZONE — OAHU								
COASTAL ZONE CONSISTENCY	Y	STATE	DBED	1 1/2	6	N	N	N
SPECIAL MANAGEMENT AREA PERMIT	Y	COUNTY	DLU	4	?	Y	Y	Y
SHORELINE SETBACK VARIANCE	Y	COUNTY	DLU	4	?	Y	Y	N
CDUA; LEASE PUBLIC LANDS								

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P.O. Box 621
Honolulu, Hawaii 96806

**GEOHERMAL/CABLE DEVELOPMENT
CONSOLIDATED APPLICATION FORM**

(Please Print or Type)

1. Applicant

Name: _____

Address: _____

Telephone: _____

Interest in Property: (submit written
evidence of this interest)

Signature: _____

Date: _____

2. Landowner (If State Land, to be filled
in by agency in control of property)

Name: _____

Address: _____

Telephone: _____

Signature: _____

Date: _____

**3. Location of Proposed Land Use or
Development**

County: _____ Island: _____

Tax Map Key: _____

Area of Parcel: _____
(Indicate in acres or sq. ft.)

Term (If Lease): _____

4. Brief Description of Proposed Project:

5. Environmental Requirements

- a. Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11, Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental Assessment of the proposed use or development activities must be attached. The Environmental Assessment shall include, but not be limited to the following:
 1. Identification of applicant;
 2. Identification of approving agency;
 3. Identification of agencies consulted in preparing assessment;
 4. General description of the action's technical, economic, social, and environmental characteristics;
 5. Summary description of the affected environment, including suitable and adequate location and site maps;
 6. Identification and summary of major impacts and alternatives considered if any;
 7. Proposed mitigation measures, if any; and
 8. Determination.
- b. If an Environmental Assessment and/or Environmental Impact Statement has previously been filed that satisfies Chapter 343, HRS, requirements, identify that Assessment or Statement by providing the information requested in items 1 through 8 above.

6. Information Required For All Uses/Permits

- a. Existing structure/use (attach description or map);
- b. Existing utilities (if applicable, indicate size and location on map; include electricity, water, telephone, drainage, and sewage);
- c. Existing access (provide map showing roadway, trails, if any; give street name and indicate width, type of paving and ownership);
- d. Vegetation (describe or provide map showing location and type of vegetation; indicate if rare native plants are present);
- e. Topography (submit contour maps for ocean areas and areas where slopes are 40% or more; contour maps will also be required for uses involving tall structures, gravity flow and other special cases);
- f. If shoreline area, describe shoreline (indicate if shoreline is sand, muddy, rocky, etc.; indicate cliffs, reefs, or other features such as access to shoreline);
- g. Existing covenants, easement, restrictions (if State lands, indicate present encumbrance);
- h. Historic sites affected (if applicable, attach map and description).

7. Description of Proposed Project

Describe the major activities to be undertaken through this application, including approximate cost of project, commencement and completion dates. (Use separate sheet for responses to Item 7.)

8. Plan Information

- X
- a. Area Plan: Area plan should include, but not be limited to, relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.
- b. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; and existing features, including vegetation, water area, roads, and utilities.
- c. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space recreation areas; landscaping including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans, including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.
- d. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.
- e. Management Plans: For any appropriate use of animal, plant, or mineral resources, management plans are required.
- f. Historic or Archaeological Site Plan: Where there exists historic or archaeological sites the requirements of Hawaii Revised Statutes Section 6E, shall be complied with; a plan must be submitted to the State of Hawaii, Department of Land and Natural Resources, Historic Sites Division, which includes a survey of the site(s); significant features; protection, salvage, or restoration plans.

9. Type of Permit(s) Applying For:

GCPC
PERMIT #

CROSS REFERENCES OF
RELATED PERMITS/PERMITS
DELEGATED TO OTHER
AGENCIES

DEPARTMENT OF LAND AND NATURAL RESOURCES

DLNR 1 () Ocean Waters Construction Permit
DLNR 2 () District Boundary Amendment
DLNR 3 () Changes in Zoning

NOAA 1, CG 1, CG 2

BLNR N rep

may be required BLNR N rep

GCPC
PERMIT #

Forest Reserve Special Use Permit
Forest Reserve Access Permit

CROSS REFERENCES OF
RELATED PERMITS/PERMITS
DELEGATED TO OTHER
AGENCIES

DEPARTMENT OF LAND AND NATURAL RESOURCES

BLNR N rep

BLNR N rep

BLNR N rep with approval of Commission

no

BLNR

BLNR

Water Commission

BLNR

BLNR

BLNR

BLNR

BLNR

DLNR 4

DLNR 5

DLNR 6

DLNR 7

DLNR 8

DLNR 9

DLNR 10

DLNR 11

DLNR 12

DLNR 13

DLNR 14

DLNR 15

DLNR 16

DLNR 17

DLNR 18

DLNR 19

() Entrance to Wildlife Sanctuary

() Transporting Permit *letter*

() Permit to Enter Closed Watershed

() ~~Forest Reserve Special Permit~~ *Natural Area Reserve Special-use Permit*

() ~~Historic Sites Review and Comment~~ *Preservation Review*

() Use of State Land Including Submerged
State Lands

() Conservation District Use Application

() ~~Permit to Withdraw Water Within any~~

~~Designated Groundwater Control Area~~

() ~~Permit to Supply Water Within any~~

~~Designated Groundwater Control Area~~

() ~~Well Drilling or Modification Permit~~

() Geothermal Mining Lease

() Dams and Reservoirs Construction Approval

() Geothermal Exploration Permit

() Geothermal Resource Subzone Designation

() Geothermal Plan of Operation

() Geothermal Well Drilling Permit

or Modification

NOAA 1, CG 1, CG 2

COE 2

EPA 1

EPA 1

EPA 3

COE 4

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DEPARTMENT OF HEALTH

DOH 1

DOH 2

DOH 3

DOH 4

DOH 5

DOH 6

DOH 7

DOH 8

DOH 9

() Notification of Hazardous Waste Activity *no form*

() Hazardous Waste Treatment, Storage
and Disposal (TSD) Permit

() Underground Storage Tank (UST)

() Underground Injection Control (UIC) Permit *form info*

() Water Quality Certification (WQC) Army Corps
of Engineers Section 401 Permit

() Authority to Construct (ATC) a Potential Air
Pollution Source

() Permit to Operate (PTO) a Potential Air
Pollution Source

() Prevention of Significant Deterioration (PSD)

() Community Noise Permit for Construction Activities

EPA 1

EPA 1

EPA 3

COE 4

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OFFICE OF STATE PLANNING

OSP 1

() Federal Consistency with the Hawaii Coastal
Zone Management Program

COE 5

DEPARTMENT OF TRANSPORTATION

DOT 1

() Permit to Perform Work on State Highways

FHA 1

draft

**CROSS REFERENCES OF
RELATED PERMITS/PERMITS
DELEGATED TO OTHER
AGENCIES**

**GCPC
PERMIT #**

HAWAII COUNTY

County Planning Commission	HC 1	() Geothermal Resource Permit (GRP)	form included
"	HC 2	() Special Management Area (SMA)	"
"	HC 3	() Shoreline Setback Variance (SSV)	"
"	HC 4	() Special Permits	"
"	HC 5	() Use Permits	
"	HC 6	() Subdivision of Land	
"	HC 7	() Plan Approval	
"	HC 8	() Grubbing, Grading, Excavation and Stockpiling Permits	
"	HC 9	() Excavation of Public Highways	
"	HC 10	() Installation of Utilities within Federal and Secondary County Highways	
"	HC 11	() National Flood Insurance	
"	HC 12	() Building Permits	
"	HC 13	() Electrical and Plumbing Permits	
"	HC 14	() Electrical and Plumbing Permits	
"	HC 15	() Sign Permit	
"	HC 16	() Building Plan Approval	

MAUI COUNTY

MC 1	() Department of Public Works Drainage and Erosion Control Plans	
MC 2	() Board of Height Variance	Form to be sent
MC 3	() Department of Water Supply Source and Storage Assessment	note to Philip 7/20/90
MC 4	() Geothermal Resource Permit	
MC 5	() Shoreline Setback Variance	Form to be sent
MC 6	() Special Management Area Use Permits	Form to be sent

CITY AND COUNTY OF HONOLULU

CCH 1	() Conditional Use Permit-Type 1
CCH 2	() Special Management Area Use Permit (SMP)
CCH 3	() Shoreline Setback Variance

DEPARTMENT OF THE NAVY

NAV 1	() Notification re Surface and Subsurface Plans
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DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

COE 1	() Permits Under Sections 9 and 10 of the Rivers and Harbors Act of 1899 for Structures or Work in or Affecting Navigable Waters of the United States
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**CROSS REFERENCES OF
RELATED PERMITS/PERMITS
DELEGATED TO OTHER
AGENCIES**

GCPC
PERMIT #

DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

- COE 2 () Permits Under Section 103 of the Marine
Protection Research and Sanctuaries Act
of 1972 for Ocean Dumping of Dredged Material
- COE 3 () Permits Under Sections 404 of the Federal
Water Pollution Control Act of 1972 and
Amendments for Discharges or Dredged or Fill
Material into Waters of the United States.

USF&W 1, NMFS 6

EPA 1, USF&W 2, NMFS 1
NMFS 7

- COE 4 () Water Quality Certification from the State
of Hawaii Department of Health

DOH 5

- COE 5 () Coastal Zone Management Consistency
Certification from the State of Hawaii
Office of State Planning - CZM Program Office

OSP 1

- COE 6 () National Environmental Policy Act (NEPA) Environmental Impact Statement
**NATIONAL OCEANIC & ATMOSPHERIC
ADMINISTRATION**

- NOAA 1 () Notification to Charting and Geodetic Services

CG 1

**DEPARTMENT OF TRANSPORTATION -
U.S. COAST GUARD**

- CG 1 () Notification of Submerged Cable
- CG 2 () Notification of Cable Laying Operations
or Related Projects

NOAA 1

U.S. FISH AND WILDLIFE

- USF&W 1 () Endangered Species Act Activities Review
- USF&W 2 () Clean Water Act Review
- USF&W 3 () Rivers and Harbors Act Review
- USF&W 4 () Fish and Wildlife Coordination Act
Review

COE 2, NMFS 6
EPA 1, DOH 5, COE 3, NMFS 1
COE 1, NMFS 2

NATIONAL MARINE FISHERIES SERVICE

- NMFS 1 () Clean Water Act Section 404 Permit
Application Review
- NMFS 2 () Rivers and Harbors Act of 1899 Section
10 Permit Application Review
- NMFS 3 () Clean Water Act Section 401, Water Quality
Certification Application Review
- NMFS 4 () Federal Coastal Zone Management
Consistency Determination Review
- NMFS 5 () Marine Mammal Protection Act (MMPA)
Exemption
- NMFS 6 () The Endangered Species Act (ESA)
Section 7, Consultation Process

USF&W 2

COE 11

COE 4, USF&W 2, EPA 1

OSP 1, COE 5

USF&W 1

7/26/90
Jean Nutter
will call back

GCPC
PERMIT #

CROSS REFERENCES OF
RELATED PERMITS/PERMITS
DELEGATED TO OTHER
AGENCIES

NATIONAL MARINE FISHERIES SERVICE

NMFS 7 () Marine Protection Research and
Sanctuaries Act of 1972, Section 103
Permit Review *NMFS 7000000*

COE 2

ENVIRONMENTAL PROTECTION AGENCY

yes (6-1)
EPA 1 () Permits and Licenses Under Section 402 of
the Federal Water Pollution Control Act of
1972 and Amendments

DOH 1, 2, USF&W 2

yes (6-1)
EPA 2 () Permits and Licenses Under the Clean
Air Act

DOH 6, DOH 7

yes (6-1)
EPA 3 () Underground Injection Control (UIC) Permit

DOH 4

FEDERAL HIGHWAY ADMINISTRATION

no
FHA 1 () Approval for Work to be Performed on
Interstate Highway

DOT 1

10. Application Filing and Fees

- a. Pursuant to Title 13, Chapter 185 Hawaii Administrative Rules, applicants shall attach to the application form a preliminary statement of project costs. A filing fee varying with the statement of project cost shall accompany consolidated permit application as follows:

<u>Project Cost</u>	<u>Fee</u>
\$ 0 - 999,999	\$200
1,000,000 - 9,999,999	\$400
more than 10,000,000	\$600

- b. The fee shall be payable by check which shall accompany the application and should be made payable to the State of Hawaii. Checks and application shall be submitted to the address above or delivered to:

Department of Land and Natural Resources
Division of Water and Land Development
1151 Punchbowl Street, Room 227
Honolulu, Hawaii 96813

It is imperative that all of the requested information be provided accurately and fully. Failure to do so will delay processing.

GEOTHERMAL/CABLE PERMITTING REGIMES

	PERMIT ALWAYS REQUIRED	GOVT LEVEL	AGENCY	PROCESSING TIME (MONTHS)		PUBLIC HEARING REQUIRED	CONTESTED CASE PROVISION APPLY	EIS
				MIN	MAX			
GEO THERMAL								
GEO THERMAL RESOURCE SUBZONE	Y	STATE	DLNR	6	12	N	N	N
CONSERVATION DISTRICT USE PERMIT (CDUA)	Y	STATE	DLNR	6	6	N	Y	SY
GEO THERMAL RESOURCE PERMIT	Y	COUNTY	PLNG	6	6	N	N	N
GEO THERMAL MINING LEASE	Y	STATE	DLNR	7	12	N	N	N
GEO THERMAL EXPLORATION PERMIT	Y	STATE	DLNR	2	2	N	N	N
GEO THERMAL PLAN OF OPERATION	Y	STATE	DLNR	2	2	N	N	N
GEO THERMAL WELL DRILLING PERMIT	Y	STATE	DLNR	2	2	N	N	N
AUTHORITY TO CONSTRUCT WELLS (AIR)	Y	STATE	DOH	3	6	N	N	N
PERMIT TO OPERATE WELLS (AIR)	Y	STATE	DOH	1	2	N	N	N
AUTHORITY TO CONST. POWER PLANT (AIR)	Y	STATE	DOH	3	6	N	N	N
PERMIT TO OPERATE POWER PLANT (AIR)	Y	STATE	DOH	1	2	N	N	N
UNDERGROUND INJECTION CONTROL	N	STATE	DOH	3	3	N	N	N
VARIANCE FROM POLLUTION (WATER)	N	STATE	DOH	3	3	N	N	N
PREVENTION OF SIGNIFICANT DETERIORATION	Y	FEDERAL	EPA	12	18	N	N	N
BUILDING PERMITS	Y	COUNTY	PW	1/2	1/2	N	N	N
TRANSMISSION — INLAND — HAWAII								
PUBLIC UTILITIES COMMISSION APPROVAL	Y	STATE	PUC	—	—	N	N	N
CONSERVATION DISTRICT USE PERMIT	N	STATE	DLNR	6	6	N	N	N
NATURAL AREA RESERVE SYSTEM	N	STATE	DLNR	6	9	N	N	N
HISTORIC SITES	N	STATE	DLNR	—	12	N	N	N
EASEMENT FOR STATE PARKS, FORESTS	N	STATE	DLNR	—	11	N	N	N
BUILDING PERMITS	Y	COUNTY	PW	1/2	12	N	N	N
LEASE PUBLIC LANDS								
TRANSMISSION — COASTAL ZONE — HAWAII								
COASTAL ZONE CONSISTENCY	Y	STATE	DBED	1 1/2	6	N	N	N
SPECIAL MANAGEMENT AREA PERMIT	Y	COUNTY	DLNG	4	?	N	N	N
SHORELINE SETBACK VARIANCE	Y	COUNTY	DLNG	4	?	N	N	N
CDUA; LEASE PUBLIC LANDS								
TRANSMISSION — OCEAN — STATEWIDE								
U.S. ARMY CORPS OF ENGR. PERMIT	Y	FEDERAL	ARMY	2	?	N	—	N
NATIONAL ENVIRONMENTAL PROT. ACT EIS	N	FEDERAL	CEQ	6	?	N	—	N
OCEAN WATERS CONSTRUCTION PERMIT	Y	STATE	DOT	2	3	N	N	N
NPDES	N	STATE	DOH	—	6	N	N	N
LEASE SUBMERGED LANDS	Y	STATE	DLNR	—	12	N	N	N
CDUA								
TRANSMISSION — COASTAL ZONE — MAUI								
COASTAL ZONE CONSISTENCY	Y	STATE	DBED	1 1/2	6	N	N	N
SPECIAL MANAGEMENT AREA PERMIT	Y	COUNTY	PLNG	4	?	N	N	N
SHORELINE SETBACK VARIANCE	Y	COUNTY	PLNG	4	?	N	N	N
CDUA; LEASE PUBLIC LANDS								
TRANSMISSION — INLAND — MAUI								
PUBLIC UTILITIES COMMISSION APPROVAL	Y	STATE	PUC	—	—	N	N	N
CONSERVATION DISTRICT USE PERMIT	N	STATE	DLNR	6	6	N	N	N
NATURAL AREA RESERVE SYSTEM	N	STATE	DLNR	6	9	N	N	N
HISTORIC SITES	N	STATE	DLNR	—	12	N	N	N
EASEMENT FOR STATE PARKS, FORESTS	N	STATE	DLNR	—	11	N	N	N
BUILDING PERMITS	Y	COUNTY	PW	1/2	12	N	N	N
LEASE PUBLIC LANDS								
TRANSMISSION — COASTAL ZONE — OAHU								
COASTAL ZONE CONSISTENCY	Y	STATE	DBED	1 1/2	6	N	N	N
SPECIAL MANAGEMENT AREA PERMIT	Y	COUNTY	DLU	4	?	N	N	N
SHORELINE SETBACK VARIANCE	Y	COUNTY	DLU	4	?	N	N	N
CDUA; LEASE PUBLIC LANDS								
TRANSMISSION — INLAND — OAHU								
PUBLIC UTILITIES COMMISSION APPROVAL	Y	STATE	PUC	?	?	N	N	N
CONSERVATION DISTRICT USE PERMIT	N	STATE	DLNR	6	6	N	N	N
NATURAL AREA RESERVE SYSTEM	N	STATE	DLNR	6	9	N	N	N
HISTORIC SITES	N	STATE	DLNR	—	12	N	N	N
PUBLIC FACILITIES MAP AMENDMENT	Y	COUNTY	DGP	16	?	N	N	N
BUILDING PERMITS	Y	COUNTY	BLDG	1/2	12	N	N	N</